IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

INCOME TAX REFERENCE NO. 329 OF 1995

The Commissioner of Income-Tax, Pune .. Applicant
V/s.
M/s. Hodek Engg. Works Pvt. Ltd., Pune .. Respondent

Mr. R.V. Desai, Sr. Advocate with Ms. S.V. Bharucha for the Applicant
None present for the Respondent

CORAM : S. RADHAKRISHNAN &
J.P. DEVADHAR, JJ.
DATED : 28.02.2005

P.C.:-

1. Heard the learned counsel for the Applicant. The question of law referred to reads as under:-

> "1. Whether on the facts and in the circumstances of the case, the Tribunal was justified in deleting disallowance made u/s. 43B of outstanding sales-tax liability?"

2. The learned counsel for the Applicant fairly states that the issue in the above is squarely covered by a judgment of the Supreme Court in **Allied Motors P. Ltd. v. CIT (1997) 224 ITR 677 (SC)** in favour of the assessee and against the Revenue. The question is accordingly answered in the affirmative, i.e. in favour of the assessee and against the Revenue.

(S. RADHAKRISHNAN, J.)

(J.P. DEVADHAR, J.)